

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

FILED  
IN COURT  
CHARLOTTE, N. C.

APR 17 2007

CRIMINAL NO. 3:06CR381W

U. S. DISTRICT COURT  
W. DIST. OF N. C.

UNITED STATES OF AMERICA, )  
Plaintiff, )  
V. )  
ADRIAN LeMARIER, )  
a/k/a "Roberto Legarreta, Jr." )  
Defendant )

CONSENT ORDER AND  
JUDGMENT OF FORFEITURE

BASED UPON the terms of the plea agreement between the United States of America and defendant, and finding that there is substantial nexus between the property listed below and the offense(s) to which the defendant has pled guilty and that the defendant has or had a legal interest in the property, IT IS HEREBY ORDERED THAT:

1. the following property is forfeited to the United States pursuant to 18 U.S.C. §924(d), 18 U.S.C. §982, 21 U.S.C. §853, 26 U.S.C. 5872, and/or 28 U.S.C. §2461(c):

**the sum of approximately \$90,094.00 in United States currency seized on or about September 4, 2006 from a motor vehicle**

2. the United States Marshal and/or other property custodian for the investigative agency is authorized to take possession and maintain custody of the above-described tangible property;

3. upon the seizure of the property, the United States shall, to the extent practicable, provide direct written notice to any persons known to have alleged an interest in the seized property, and shall publish notice of this forfeiture as required by law;

4. any person, other than the defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest;

5. following the Court's imposition of all timely petitions filed, a final order of forfeiture shall be entered. If no third party files a timely petition, this order shall become the final order and judgment of forfeiture, as provided by Fed. R. Crim P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.

The parties stipulate and agree that the aforementioned asset(s) constitute property derived from or traceable to proceeds of defendant's crime(s) herein or property used in any manner to facilitate the commission of such offense(s) and are therefore subject to forfeiture pursuant to 18 U.S.C. §924(d), 18 U.S.C. §982, 21 U.S.C. §853, 26 U.S.C. §5872, and/or 28 U.S.C. §2461(c). The defendant hereby waives the requirements of FedR. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against defendant.

GRETCHEN C.F. SHAPPERT  
UNITED STATES ATTORNEY



THOMAS O'MALLEY  
Assistant United States Attorney



Adrian LeMarier  
Defendant



G. Bruce Park  
Attorney for Defendant

Signed this the 15<sup>th</sup> day of January, 2007.

  
UNITED STATES MAGISTRATE JUDGE  
DISTRICT